

**William A. Birdwell, OSB #730298**

billbirdwell@dwt.com

**Robert D. Newell, OSB #790917**

bobnewell@dwt.com

**DAVIS WRIGHT TREMAINE LLP**

1300 SW Fifth Avenue, Suite 2300

Portland, OR 97201

Telephone: (503) 241-2300

Facsimile: (503) 778-5299

**Joseph A. Micallef**, (Appearing *pro hac vice*)

joseph.micallef@aporter.com

**Matthew N. Bathon**, (Appearing *pro hac vice*)

matthew.bathon@aporter.com

**ARNOLD & PORTER LLP**

555 Twelfth Street, NW

Washington, DC 20004-1206

Telephone: (202) 942-5000

Facsimile: (202) 942-5999

Attorneys for Defendant Microsoft Corporation

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

GARY ODOM

Plaintiff,

vs.

MICROSOFT CORPORATION

Defendant.

Case No. 3:09-CV-230-MO

**AGREED MOTION TO EXTEND  
CERTAIN DATES IN THE DISCOVERY  
AND PRETRIAL SCHEDULE**

**AGREED MOTION TO EXTEND CERTAIN DATES IN THE  
DISCOVERY AND PRETRIAL SCHEDULE**

DAVIS WRIGHT TREMAINE LLP  
1300 S.W. Fifth Avenue • Suite 2300  
Portland, Oregon 97201 • (503) 241-2300

Plaintiff Gary Odom and Defendant Microsoft Corporation jointly move the Court to extend certain dates in the Agreed Discovery and Pretrial Schedule, which was entered by the Court on April 1, 2009 (Dkt. No. 69). To enable the parties to complete fact and expert discovery in this case, the parties seek the following brief extensions of time, which will not impact the date for filing dispositive motions (January 8, 2010) or any dates subsequent to the filing of dispositive motions. The parties' requested extensions do not alter the due dates for any filings with the Court or any scheduled hearings before the Court.

The table below sets forth the current schedule as well as the parties' proposed new dates.

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Close of fact discovery	October 23, 2009	November 13, 2009
Opening expert reports on issues for which that party bears the burden of proof	November 6, 2009	November 20, 2009
Responsive expert reports and opening report by Plaintiff on secondary considerations of non-obviousness, if any	November 20, 2009	December 4, 2009
Responsive report by Defendant on secondary considerations of non-obviousness	December 4, 2009	December 11, 2009
Expert discovery to be completed	December 18, 2009	December 23, 2009
Dispositive motions due	January 8, 2010	January 8, 2010

Dated: October 20, 2009

**DAVIS WRIGHT TREMAINE LLP**

*s/ Robert D. Newell*

Robert D. Newell, OSB #790917

Email: bobnewell@dwt.com

William A. Birdwell, OSB #730298

Email: billbirdwell@dwt.com

1300 SW Fifth Avenue, Suite 2300

Portland, OR 97201

Telephone: (503) 241-2300

Facsimile: (503) 778-5299

**ARNOLD & PORTER LLP**

Joseph A. Micallef, (Appearing *pro hac vice*)

Matthew N. Bathon, (Appearing *pro hac vice*)

555 Twelfth Street, NW

Washington, DC 20004-1206

Telephone: (202) 942-5000

Facsimile: (202) 942-5999

Attorneys for Defendant Microsoft  
Corporation

**GOLDSTEIN, FAUCETT & PREBEG, L.L.P.**

*s/ Corby R. Vowell*

Edward W. Goldstein, (Appearing *pro hac vice*)

Email: egoldstein@gfpiplaw.com

Corby R. Vowell, (Appearing *pro hac vice*)

Email: cvowell@gfpiplaw.com

1177 West Loop South, Suite 400

Houston, TX 77027

Telephone: (713) 877-1515

Facsimile: (713) 877-1145

**SCHWABE, WILLIAMSON & WYATT, P.C.**

Johnathan E. Mansfield, OSB #055390

Email: [jmansfield@schwabe.com](mailto:jmansfield@schwabe.com)

PacWest Center

1211 SW Fifth Ave., Suite 1900

Portland, OR 97204

Telephone: (503) 222-9981

Facsimile: (503) 796-2900

Attorneys for Plaintiff Gary Odom

- 4 -

**AGREED MOTION TO EXTEND CERTAIN DATES IN THE  
DISCOVERY AND PRETRIAL SCHEDULE**

DAVIS WRIGHT TREMAINE LLP  
1300 S.W. Fifth Avenue • Suite 2300  
Portland, Oregon 97201 • (503) 241-2300